

Message Text

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FM AMEMBASSY ROME

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SUBJECT: ITALIAN PHARMACEUTICAL PATENT PROBLEM

REF.: A) ROME 11599 (NOTAL); B) STATE 138823

1. LACK OF PATENT PROTECTION FOR PHARMACEUTICALS IS PROBLEM ON LONG STANDING, ON WHICH GOI HAS NEVER TAKEN EFFECTIVE ACTION. ALTHOUGH VARIOUS GOVERNMENTS AS FAR BACK AS 1958 HAVE INTRODUCED LEGISLATION PROVIDING FOR PATENTING, NONE HAS BECOME LAW BECAUSE OF LIMITED PUBLIC APPEAL AND RESULTANT LOW POLITICAL PRIORITY.

2. OUTLOOK SOMEWHAT IMPROVED RECENTLY BY TWO DEVELOPMENTS. FIRST, MINISTER OF HEALTH DAL FALCO HAS DRAFTED A BILL PROVIDING FOR PATENTING OF PHARMACEUTICAL PRODUCTS AND PROCESSES, WHICH IS EXPECTED TO BE APPROVED BY COUNCIL OF MINISTERS AND THEN INTRODUCED IN PARLIAMENT IN NEAR FUTURE. SECONDLY, WE UNDERSTAND THERE HAS BEEN AGREEMENT AMONG CERTAIN POLITICAL PARTIES FOR REFORM OF PRESENT HEALTH INSURANCE PROGRAMS AND TRANSFORMATION OF THESE INTO A NATIONAL HEALTH SERVICE. ONE COMPONENT OF THIS IS PROVISION FOR PHARMACEUTICAL PATENTING AS A MEANS OF STIMULATING RESEARCH IN THIS FIELD.

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3. THERE IS SUBSTANTIAL PRESSURE IN ITALY FROM FOREIGN-BASED AND DOMESTIC COMPANIES THROUGH ASSO FARMA (ASSOCIAZIONE OF PHARMACEUTICAL MANUFACTURERS), WHICH REPRESENTS LARGER DOMESTIC AND FOREIGN COMPANIES, TO ADOPT PHARMACEUTICAL PATENTING IN PREPARATION FOR ENTRY INTO EFFECT OF EUROPEAN CONVENTIONS. EMBASSY HAS BEEN IN TOUCH WITH ASSO FARMA ON THIS ISSUE, WHICH

INFORMS US THAT IT IS SEEKING TO APPLY PRESSURE ON PARLIAMENTARY COMMITTEE AND MINISTRY OF INDUSTRY. IN THIS CONNECTION, AMBASSADOR IN RECENT MEETING ON PHARMACEUTICAL PRICING PROBLEMS WITH DONAT-CATTIN, MINISTER OF INDUSTRY (REFTEL A), ALSO STRESSED THAT LACK OF PATENT PROTECTION AGGRAVATES PRICING PROBLEMS.

4. INTERNATIONAL DIMENSION OF PROBLEM IS FACT THAT ITALY HAS SIGNED EUROPEAN AND EC PATENT CONVENTIONS, BUT HAS RATIFIED NEITHER. ACCORDING TO ASSO FARMA, SAME SITUATION APPLIES TO MOST OTHER SIGNATORIES.

5. EMBASSY BELIEVES WE SHOULD FOLLOW TWO APPROACHES IN OUR EFFORTS TO BRING ABOUT INTRODUCTION OF PATENT PROTECTION IN ITALY. FIRST, GIVEN SOME SIGNS OF PROGRESS ON DOMESTIC FRONT DESCRIBED PARA 2 AND GIVEN INCREASING SIGNS OF INTEREST AMONG ITALIAN LEADERS IN U.S. INVESTMENT (PARTICULARLY IN CONTEXT OF PRIME MINISTER ANDREOTTI'S VISIT TO WASHINGTON), WE SHOULD CONTINUE EFFORTS TO PERSUADE GOI THAT PATENT PROTECTION WOULD BE IN ITALY'S BEST INTEREST. SECONDLY, WE SHOULD WORK THROUGH EC COMMISSION, WHICH PRESUMABLY WILL WISH TO SEE SIGNATORIES OF CONVENTIONS NOW RATIFY THEM. WE AGREE WITH TRADE SOURCES THAT EC ROUTE WILL PROBABLY PROVE MORE EFFECTIVE, PARTICULARLY IF IT BECOMES QUESTION OF BRINGING ITALY INTO LINE WITH OTHER MEMBER STATES.

HOLMES

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